

## REMARKS

Applicant appreciates the detailed examination evidenced by the Official Action mailed June 27, 2008 (hereinafter the Official Action). Applicant also appreciates the indication that Claims 100, 102, 105, 108, 110-137, 140, and 147, include patentable subject matter. *Official Action, page 4*. Accordingly, the only remaining issue is the rejection of the remaining claims over Gillette. Applicant respectfully submits that all claims are patentable over Gillette for at least the reasons described herein.

### **The Claims Have Been Amended to Correct Typographical Errors**

Applicant has amended the claims to correct minor typographical errors. For example, Claim 100 has been amended to correctly now recite "**the** sensing signal" and "**the** actuating signal" to provide the proper antecedent bases therefore. Further, Applicant has made numerous amendments to other claims to further clarify the respective recitations thereof. Applicant submits that these amendments have been made to improve the readability of the claims and not for reasons related to patentability, and therefore, a full range of equivalents remains available for the amended claims.

### **Gillette is Not Prior Art as a Matter of Law**

Claims 99, 101, 103, 104, 106-107, 109, 138, 139, 141-146, 148 and 149 stand rejected under 35 U.S.C. § 102(e) over U.S. Patent Publication No. 2006/0117938 by Gillette et al. ("Gillette"). *Official Action, page 2*. Applicant respectfully traverses the rejection, as Gillette is not prior art as a matter of law. In particular, the associated priority information shows that Gillette's filing date is December 3, 2004, whereas the International filing date of the present Application is June 8, 2004<sup>1</sup>, which pre-dates the earliest filing date of Gillette. Accordingly, Gillette is not prior art to the present claims as a matter of law for at least these reasons.

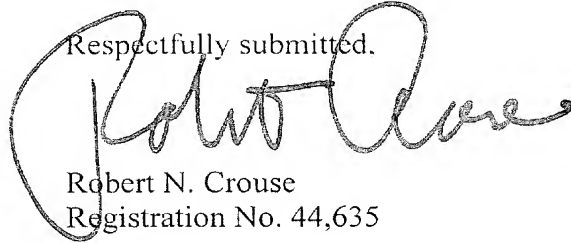
Applicant respectfully requests the withdrawal of all rejections and the allowance of all claims in due course. Applicant invites the Examiner to contact the undersigned at any time to discuss any issues related to the present matter.

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<sup>1</sup> Applicant further notes that the present Application is a National Stage filing of a PCT Application corresponding to WO2004/111992, having an international filing date of June 4, 2004, which also claimed priority to U.S. Provisional Application Serial No. 60/476,943, filed on June 9, 2003.

In re: Paul F. Ierymenko  
Application No.: 10/554,480  
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Respectfully submitted.

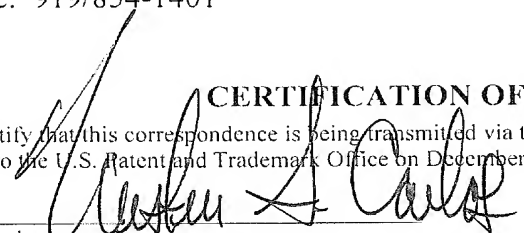


Robert N. Crouse  
Registration No. 44,635

**USPTO Customer No. 20792**  
Myers Bigel Sibley & Sajovec  
Post Office Box 37428  
Raleigh, North Carolina 27627  
Telephone: 919/854-1400  
Facsimile: 919/854-1401

**CERTIFICATION OF TRANSMISSION**

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on December 23, 2008.



Kirsten S Carlos